

**MINUTES OF LAYTON CITY
COUNCIL MEETING**

SEPTEMBER 19, 2013; 7:11 P.M.

**MAYOR AND COUNCILMEMBERS
PRESENT:**

**MAYOR J. STEPHEN CURTIS, MICHAEL
BOUWHUIS, JOYCE BROWN, BARRY FLITTON
AND SCOTT FREITAG**

ABSENT:

JORY FRANCIS

STAFF PRESENT:

**ALEX JENSEN, GARY CRANE, BILL WRIGHT,
PETER MATSON, TERRY COBURN, JIM MASON
AND THIEDA WELLMAN**

The meeting was held in the Council Chambers of the Layton City Center.

Mayor Curtis opened the meeting and excused Councilmember Francis. Devon Smith led the Pledge of Allegiance. Tanya Hernandez gave the invocation. Scouts from Troops 150, 124, 528, 353 and 875 were welcomed.

MINUTES:

MOTION: Councilmember Brown moved and Councilmember Flitton seconded to approve the minutes of:

Layton City Council Meeting – August 1, 2013.

The vote was unanimous to approve the minutes as written.

MUNICIPAL EVENT ANNOUNCEMENTS:

Councilmember Brown indicated that on Saturday September 21st, from 10:00 a.m. to 1:00 p.m., Young Chevrolet would verify if car seats were installed correctly.

Councilmember Brown said the annual Fire Department Prevention Awareness open house would be held on October 2nd at Station 51 from 5:00 p.m. to 8:00 p.m. She said activities would include free rides on the fire truck; training on safe coordination in the home; and there would be an earthquake trailer. Councilmember Brown indicated that this was a great family activity.

PRESENTATIONS:

YOUTH OF PROMISE

Karlene Kidman, advisor to the Youth of Promise, indicated that at a previous presentation about the 911 Memorial in Kaysville, the City Council gave a donation to help pay for a bronze statue at the Memorial. Ms. Kidman thanked the Council for their support.

Connor Roach with the Youth of Promise presented the Council with a statute that was a replica of the bronze statue at the Memorial Park in Kaysville.

Ms. Kidman mentioned some of the events that were held on September 11th at the Memorial.

YOUTH COURT GRADUATION AND SWEARING IN

Karlene Kidman said she had the pleasure of working with the Youth Court for 16 years. She said 21 kids

were involved with the program this year, and over 450 kids had participated in the past 16 years.

Ms. Kidman introduced members of the Youth Court. The members came forward to shake hands with the Mayor and Council.

Thieda Wellman, City Recorder, administered the oath of office to the Youth Court members.

NATIONAL PREPAREDNESS MONTH – SEPTEMBER 2013

Mayor Curtis read a proclamation proclaiming September 2013 as National Preparedness Month. He turned the time over to Jim Mason, Assistant City Manager.

Jim said it was a privilege to recognize National Preparedness Month. He explained the CERT program and indicated that there were three CERT classes being held this month. Jim said many things could be done to prepare for an emergency. He encouraged everyone to commit to meeting one goal this month to help them be better prepared.

CONSENT AGENDA:

PROPOSAL AWARD – HORROCKS ENGINEERS – PROFESSIONAL ENGINEERING SERVICES-THE LAYTON CITY MASTER TRANSPORTATION PLAN – RESOLUTION 13-52

Terry Coburn, Public Works Director, said Resolution 13-52 authorized the execution of an agreement between the City and Horrocks Engineers for consulting services for the Master Transportation Plan. He said the project would provide the City with an updated Master Transportation Plan, Impact Fee Facility Plan, and Impact Fee Analysis and Rate Study.

Terry said a request for proposals (RFP) was sent to five consulting firms; three companies submitted proposals, including Horrocks Engineers. He said the Transportation Committee comprised of two Councilmembers and City Staff evaluated the proposals. The Committee ranked the companies and then opened the fee proposals. Terry said Horrocks Engineers was selected by the Committee to perform the work for \$98,369. He said the study was budgeted in the current fiscal year. Terry said the Engineer budgeted \$110,000 for the study. He said Staff recommended approval.

ACCEPTANCE OF PROPERTY FOR A TRAFFIC SIGNAL – INTERSECTION OF CHERRY LANE AND FAIRFIELD ROAD – RESOLUTION 13-51

Gary Crane, City Attorney, said Resolution 13-51 would approve the acceptance of two deeds for property to the City. He said State law required that the City accept deeds when property was granted to them. Gary said this was a small parcel of property on two corners of the Cherry Lane and Fairfield Road intersection to accommodate a signal light. He said one deed was from the Legacy Village and the other deed was from Catherine Nalder. Gary said Staff recommended approval.

Councilmember Brown asked when the signal would be turned on.

Terry Coburn said it should be within a month.

PRELIMINARY PLAT APPROVAL – OAK HILLS PRUD – APPROXIMATELY 2500 EAST OAK HILLS DRIVE

Bill Wright, Community and Economic Development Director, said this was preliminary plat approval for the Oak Hills PRUD development located at approximately 2500 East Oak Hills Drive. He said the applicant was Jerry Preston. Bill said this was a planned residential unit development that had approval from the Planning Commission and the Council in October 2007, and the final plat was approved in August 2008. However, those approvals had expired because development did not proceed due to the nature of the

economy at the time.

Bill said the development proposal was for eight patio homes that would be oriented off of a private drive on the south side of Oak Hills Drive. He said the entrance to the project would align with the road into Red Fox Ridge Subdivision, creating an intersection on Oak Hills Drive at that location. Bill said the project contained 7.35 acres that was identified as sensitive lands, which was under the guidance of the Sensitive Lands Ordinance. He said the plat identified slopes that were greater than 30% and no development would be allowed on those slopes. Bill said the geotechnical studies had been conducted and analyzed for slope stability and other geotechnical issues. The conclusion was that no mitigation was necessary other than to avoid development on those steep slopes. Bill said it was determined that there was sufficient land for reasonable housing development to occur. He said the plan was essentially the same as what was submitted and approved in 2007 and 2008, and it met the requirements of the R-S PRUD zone.

Bill said the Design Review Committee (DRC) reviewed the plan again and made a few recommendations; one having to do with fencing along the eastern property line where units would abut existing homes that had had a natural separation of Scrub Oak. He said fencing and landscape buffering would be required along Oak Hills Drive. Bill said there was quite a bit of natural vegetation that would not be disturbed as it went down the hillside. He said an HOA would also be established that would care for the private road and common area. Bill said the Planning Commission recommended approval and Staff supported that recommendation.

Councilmember Brown asked if there would be a fence on the south side of the development.

Bill said because of the slope of the property there would not be a fence. There was a very good natural break and buffer in that area.

Councilmember Flitton said according to the geotechnical study, the homes would be built significantly to the north of the slope as to not be a concern.

Bill said he wouldn't describe the setback as significant because there wasn't a finding in the geotechnical study of slope stability, but there was a finding of 30% slope that should not be disturbed or built upon. He said it was not quite as severe as if there was a determined slope stability issue or fault line.

FINAL PLAT APPROVAL – FOOTHILLS AT CHERRY LANE PRUD, PHASES 1 AND 2 – APPROXIMATELY 2100 EAST OAKRIDGE DRIVE

Bill Wright said this was final plat approval for the Foothills at Cherry Lane PRUD, Phases 1 and 2, located at 2100 East Oakridge Drive. He said this project had been before the Council a number of times, with the rezoning of the property and a change in the development that allowed for a good development plan that provided a good residential development for the 5.5 acres. Bill said Brighton Homes was the applicant.

Bill said the proposal received preliminary plat approval on August 15th and Brighton Homes had been working diligently with Staff Engineers to keep the project on track in an effort to get the infrastructure built this season. He said the project contained 28 lots and the applicant had responded to recommendations by the DRC relative to architecture and placement of the buildings. Bill said an HOA would be created to maintain the common open space and private roads. He said the Planning Commission recommended approval and Staff supported that recommendation.

Mayor Curtis thanked Brighton Homes for their willingness to work with the City and citizens in developing a great subdivision.

MOTION: Councilmember Bouwhuis moved to approve the Consent Agenda as presented. Councilmember Flitton seconded the motion, which passed unanimously.

CITIZEN COMMENTS:

Dave Nielsen, 2085 North 2275 East, said he had lived here for 25 years. He said they found Layton to be a safe, clean, attractive city that was well managed, and they were particularly pleased with the parks program. Mr. Nielsen said they lived near Kays Creek Park and went there often with their dog. He thanked the City for its efforts in that area.

Mr. Nielsen expressed concerns with sidewalk replacement. He said nearly every summer for five or six years he had called the City to request that a few badly pitted sections of sidewalk in front of his home be replaced. Mr. Nielsen said he was told that the City did have a program for replacing sidewalk, but the budget was limited. He said he had been patient calling back again to check summer after summer. Mr. Nielsen said usually he had spoken to or corresponded with Ryan Bankhead. He said on more than one occasion he had been told that it would likely be done this summer; once the sidewalk sections were even marked but the crews never showed up.

Mr. Nielsen said this summer, frustrated with the inaction, he contacted Woody Woodruff with the Engineer's office. He said Woody promptly came out to see the pitted sidewalk sections, and called back. Mr. Nielsen said Woody agreed that the sidewalk was in poor condition, and although Woody didn't actually promise that the sidewalk would be replaced, he was lead to believe that it would be taken care of this summer. Mr. Nielsen said Woody asked him to call back at the end of July if the sidewalk had not been replaced by then; which he did. He said Woody again led him to believe that the sidewalk would be replaced, and asked him to call back at the end of August. Mr. Nielsen said his hopes were raised when Blue Stakes crews showed up and began to mark utility lines, however the days and weeks went by and eventually the Blue Stakes marks on the lawn began to fade away. He said he called Woody again and was again given vague assurances that the crews would soon be around; they were finishing work in another area.

Mr. Nielsen said he understood budget realities and he could appreciate that there could be higher priorities. He had no doubt that Mr. Bankhead and Mr. Woodruff were capable, fine employees; what he could not understand, and what was particularly frustrating, was being told year after year that it would be done only to see no action. Mr. Nielsen said no citizen wanted to feel that his local government was humoring him hoping that he would give up on a request; that was how he felt. He said he thought Layton City could do better, and he was asking for the Council's help in the matter.

Mayor Curtis asked Mr. Nielsen for his address. He said the City Manager was taking good notes and would jump on it. Mayor Curtis said it would be taken care of.

Mr. Nielsen thanked the Mayor. He said on another matter, they paid their utility bill by automatic withdrawal from their checking account. Mr. Nielsen said month after month they received a statement with a return envelope. He said he had called the City twice indicating that that was a waste of money, but nothing had changed. Mr. Nielsen said maybe if the City saved money on envelopes they could repair more sidewalks. He thanked the Mayor and Council for listening.

Jamie Prather-Newton, 949 West Gordon Avenue, said she and her husband had lived in Layton for 24 years. She said they were the second owner of their home on Gordon Avenue. Ms. Prather-Newton gave a brief family history. She said the Layton City Planning Commission approved a conditional use permit to allow Red Dot Fire Arms at 990 West Hill Field Road to run an indoor gun range and retail gun business. Ms. Prather-Newton said since they opened on May 2, 2013, they had had nuisance noise coming from the business. She said they had complained and Red Dot had added \$10,000 worth of sound attenuation to the building. On August 22, 2013, Mr. Bill Wright sent Red Dot a letter from Layton City indicating that the upgrades to the sound attenuation adequately mitigated the noise nuisance complaint, which was filed by her and her husband. Ms. Prather-Newton said this was after an August 15th City Council meeting where she apparently said that she was not hearing any more gun range noises at her house. She said the City Council had not published or approved the minutes of the August 15th meeting, so she really didn't know what she said, whether she said it as a matter of fact or not, but Mr. Wright sent this notice to Red Dot Fire Arms that

they were good to go, and released Red Dot Fire Arms from the self imposed restrictions of the use of high powered rifles in the gun range, wished Red Dot Fire Arms success in their business efforts with no more sound attenuation upgrades to their shooting facility.

Ms. Prather-Newton said after they lifted the restriction on the high powered rifles, they were hearing gunshots within their house. She said they were not only hearing them, they were feeling them. Ms. Prather-Newton said they felt them in their guts. Ms. Prather-Newton indicated that she sent the Council a letter about how this was wrecking havoc on their lives, and she wanted Layton City to not toss this out and not allow gun noise, ambient noise, in their neighborhood, and in her backyard, and in her house. She said they had been good citizens, and she didn't know what the City had against them. Ms. Prather-Newton said she wanted this resolved.

Vickie Anderson, 1058 Laytona Drive, said her son lived at Falcon Ridge Apartments, and he could sit on his balcony and hear the gun shots, which was across the street from Jamie Prather-Newton. She said Ms. Prather-Newton's concerns were legitimate.

Steve Poulson, 1185 West 345 South, said he was at a recent meeting and heard that Murray City and other cities had passed a responsible bidder ordinance for their cities' improvements and Public Works Department. He said they gave preference to contractors that gave certain benefits to their employees, such as health insurance and safety programs, and they gave preference to bidders that hired veterans. Mr. Poulson asked if Layton City had such an ordinance, or could we get one. He said as a citizen he thought that that would be a responsible thing to do.

Gary Crane said the City didn't have a specific ordinance that addressed those types of issues. He said there were policies about what types of bidders the City would accept; all bidders were expected to provide fundamental insurances that State law required. Gary said it would be interesting to see the ordinance to see what additional items were required. He said Layton went through a fairly thorough process, but it was done by policy rather than by ordinance.

Mr. Poulson said he would get a copy of the ordinance to Gary. He mentioned the requirements of the ordinance that included health insurance, a drug and alcohol testing policy, a program to actively recruit veterans, a job training program, a safety program, and a formal policy of nondiscrimination.

Gary said the City did about three of those. He said veterans received preference; the City required that there be no discrimination; and they required insurance, which was now required by federal law.

The meeting adjourned at 8:00 p.m.

Thieda Wellman, City Recorder